

February 9, 2007

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VIA FACSIMILE

The Honorable Paul A. Crotty United States District Judge Southern District of New York 500 Pearl Street, Room 735 New York, New York 10007-1312 Application GRANTED SO Ordered

wreels s € MAIL ADDRESS jkohn@omin.com

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Re: Francis Poliandro Heath et al. v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc. (Index No. 06-CV-3458 (PAC))

Dear Judge Crotty:

My firm represents Citigroup Global Markets, Inc. ("CGMI") in the above-referenced matter. This letter is being submitted jointly by counsel for plaintiffs and counsel for CGMI. As you know, a nationwide settlement of all class actions raising the issues involved in this lawsuit has been reached. On October 18, 2006 the parties submitted a Stipulation and Order to Stay Action requesting that the Court stay all discovery in this matter pending completion of the settlement. (A copy of the Stipulation is attached.) The Court ordered that the parties report on the status of their discussions in sixty days, which we did on December 8, 2006, and again 60 days later.

The parties wish to inform the Court that the global settlement process continues to be on track at this time. They have agreed to the filing of a consolidated amended complaint incorporating this case and others. The parties in this case jointly request that the Court continue the stay of all discovery in this case as stated in the Stipulation and Order to Stay Action filed with the Court on October 18, until a ruling of the final approval of the settlement action.

We appreciate the Court's assistance in this matter. If you should have any questions or wish to speak with counsel, please let us know.

Respectfully submitted,

Jeffrey I. Kohn

OF ORMEL VENY & MYERS LLP

Enclosure

ce: Max Folkenflick, Esq.

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United States District Court Southern District of New York

FRANCIS POLISHERO HEATH, UN MIKALF OF HIRRIELF AND ALL OTHERS SINGARLY SITUATED.

Plaintiff,

against

CITIONOLIP GLOBAL MARKITTE INC., FINIA SALONDA BHITH BARNEY, INC.

Detendent

Index No. 06-CV-3455

STIPULATION AND ORDER TO STAY ACTION

Pinintiff Francis Pollandro Heath ("Heath") and Defendant Citizents Global Markets Inc. ("CGMF), by and through their respective coursed of record, hereby attributes and agree as follows:

WHEREAS Heath fied the above referenced action on May 5, 2006 ("Heath"); and WHESTERS in connection with other related ections, the purios penched a nationwide mettlerment, and

WHEREAS the parties need time to effectuate the terms of the nationwide 1 sperioditus

NOW, THEREFORE, the parties hereby stipulets as follows:

- All Bigstion activity of any kind in Heath is hereby stayed while the parties effectuate the nationwide settlement; and
- The parties to Heath will jointly notify this Court if any changed 2, circumstances arise that may affect this Stipulation and Order to Stay Actions

The parties shall report on the status of their discussions in slidy (60) 3. days so that the Court may determine whether the stay should be continued.

Dated: October 11, 2008 New York, New York

AGREED TO:

Mac Forentilk 1500 Broadway, 21st Floor New York, NY 10038

(212) 757-0400

7 Times Square New York, New York 10036

Altomoye for Defendant

(212) 326-2000

Attorneys for Plebrill?

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THE HONORABLE PAUL A CROTTY

United States District Judge